

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

MARK DOWNEY,
Plaintiff,
v.
US OF AMERICA,
Defendant.

Case No. 19-cv-04338-NC

**ORDER TO SHOW CAUSE
WHY CASE SHOULD NOT BE
DISMISSED**

On August 5, 2019, the Court screened pro se plaintiff Mark Downey's complaint and found that it failed to state a claim. *See* Dkt. No. 4. The Court granted Downey leave to file an amended complaint by September 6, 2019, and requested that he consent or decline magistrate judge's jurisdiction by August 19, 2019. *See id.*; *see also* Dkt. No. 5. Downey has not filed an amended complaint or consent form.

In light of Downey's failure to respond, the Court **ORDERS** Downey to show cause why his case should not be dismissed for lack of prosecution by **September 20, 2019**.

The Court notes that Downey has a similar proceeding at *Mark Downey v. US of America*, No. 19-cv-4200-NC. If Downey intends to abandon this lawsuit in favor of the other proceeding, he should indicate his intention to do so in his response.

IT IS SO ORDERED.

Dated: September 12, 2019


NATHANAEL M. COUSINS
United States Magistrate Judge